



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 7, 2015

Ms. Aimee Alcorn  
Assistant City Attorney  
Legal Department  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2015-08919

Dear Ms. Alcorn:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 565166 (File Nos. 286 & 290).

The City of Corpus Christi (the "city") received two requests from different requestors for the settlement agreements relating to a specified lawsuit. The city claims the submitted information is excepted from disclosure under section 552.110 of the Government Code. Additionally, the city states release of the submitted information may implicate the proprietary interests of TX LULAC Village Housing, LP; Apartments of the Village AKA LULAC Village Park Apartment; and LULAC Council #1 Foundation. Accordingly, the city states, and provides documentation showing, it notified the third parties of the request for information and of their right to submit arguments to this office as to why the submitted information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have considered the exception the city claims and reviewed the submitted information. We have also received and considered comments from the second requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See id.* § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the third parties explaining why the submitted information should not be released. Therefore, we have no basis to conclude any of the third parties has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case information is trade secret), 542 at 3. Accordingly, the city may not withhold the submitted information on the basis of any proprietary interest the third parties may have in the information.

The city asserts the submitted information is excepted from disclosure under section 552.110 of the Government Code. However, section 552.110 protects only the interests of the third parties that have provided information to a governmental body, not those of the governmental body itself. Therefore, we do not address the city's argument under section 552.110. As no other arguments against disclosure have been raised, the submitted information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



David L. Wheelus  
Assistant Attorney General  
Open Records Division

DLW/bhf

Ref: ID# 565166

Enc. Submitted documents

c: Requestors  
(w/o enclosures)

LULAC entities  
c/o Mr. Robert W. Wilson, Esq.  
Sanchez & Wilson  
115 East Travis, 19<sup>th</sup> Floor  
San Antonio, Texas 78205  
(w/o enclosures)

Mr. Ronald A. Gaona  
LULAC Council #1 Foundation  
4418 Shaw Street  
Corpus Christi, Texas 78416  
(w/o enclosures)

Mr. Nicholas Adame  
Apartments of the Village  
LULAC Village Park Apartment  
6318 Senators Drive  
Corpus Christi, Texas 78413  
(w/o enclosures)

Mr. Manuel L. Gonzalez  
TX LULAC Village Housin, LP  
1417 Horne Road  
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